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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20322	7590	06/17/2005	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			MCALLISTER, STEVEN B	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/904,965

Applicant(s)

STEURY ET AL.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 27 recites a “transaction instrument billing statement”, but it is not clear what is meant by this language and the language does not appear in the specification to provide guidance (as best searched by the examiner.)

Claim 28 recites receiving “said Passenger Name Record”, but claim 3 from which it depends recites that “Passenger Name Record data” is received.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 28 recites a PNR “having codes included in a comment section of said” PNR. However, as understood by the examiner, the original disclosure does not appear to support this limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3, 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Udelhoven et al (2002/0077871).

Udelhoven shows receiving travel reservations, comprising passenger name record data from a CRS, reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on the travel reservations data (e.g., that only airline reservations were selected as in Fig. 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee.

As to claim 4, Udelhoven shows that the charged account is associated with the user profile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8, 10-14, 16, 18-25, 27 and 28 are rejected under 35 U.S.C.

103(a) as being unpatentable over Udelhoven et al (2002/0077871).

Udelhoven shows receiving travel reservations data from a CRS, reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on travel reservations data (e.g., that only airline reservations were selected as in Fig. 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee; and providing a billing statement. Udelhoven does not explicitly show that the billing statement shows the travel cost, separately shows the fee, and recites indicia indication that they are related. However, it is notoriously old and well known in the art to do so. For instance Expedia.com bills the travel cost and service fee as two separate charges and the service fee line item describes that it is the service fee for the reservations. It would have been obvious to one of ordinary skill in the art to modify the method of Udelhoven by providing the additional billing statement elements in order to provide greater clarity to the overall charges.

As to claim 5 and 16, Udelhoven shows providing a portion of the travel reservation data to a management information system *for* providing periodic enhanced descriptive billing statements.

As to claim 6, Udelhoven shows formatting travel reservation in a PNR format.

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As to claims 8, 18 and 22, as discussed regarding claim 1, the descriptive text provides reconciling information.

As to claim 11-13, it is noted that Udelhoven in view of the well known prior art shows means for performing all steps comprising a computer with code causing the computer to accomplish the steps, since the system performs all steps. (It is noted that the human clicks on a button in Fig. 6V to denote e.g., that airfare only has been reserved. However, it is the system that upon receiving the information has coded into it that a \$20 fee should be charged.)

As to claims 14 and 19, it is noted that Udelhoven in view of the well known prior art assists the credit entity by in reconciliation by providing the charge and fee separately and providing text relating them.

As to claim 20 Udelhoven shows all elements except charging the fee to a different account than the account used for the cost of the purchase. However, it is notoriously old and well known in the art to charge different items to different accounts. It would have been obvious to one of ordinary skill in the art to do so in order to provide the user additional flexibility.

As to claim 21, Udelhoven in view of the well known prior art shows all elements of the claim.

As to claims 23 and 24, Udelhoven shows all steps except receiving a billing statement having the fee and cost charged separately wherein the fee is reconciled with

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the cost. However, to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to deal with a billing statement having these features in order to ease accounting for charges.

As to claim 25, Udelhoven shows all elements of the claims except that the transaction is for emergency travel service assistance. However, it is notoriously old and well known in the art to purchase emergency travel service assistance. It would have been obvious to one of ordinary skill in the art to purchase emergency travel assistance in order to meet unexpected circumstances.

Additionally, the transaction of buying a ticket, as taught by Udelhoven can be in itself emergency travel service assistance, as broadly claimed, for instance if one had to book a flight to visit suddenly and gravely ill loved one.

As to claim 27, Udelhoven in view of the well known prior art shows that the descriptive statement includes a transaction instrument billing statement.

Alternatively Udelhoven in view of the well known prior art shows everything except that the descriptive statement includes a transaction instrument billing statement. However, to have the statement include an instrument billing statement is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify the method of Udelhoven in order to provide further utility in the statement.

As to claim 28, Udelhoven shows a PNR with a codes in a comment section.

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Claims 17 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Udelhoven et al.

Udelhoven shows receiving travel reservations, comprising passenger name record data from an accounting system; obtaining a user profile; comparing the PNR data to information in the user profile to determine a fee charged (since the system must compare the PNR data with the profile data in order to determine what card to charge); charging the fee to an account associated with the user profile.

Alternatively, Udelhoven does not explicitly show comparing the user profile and the PNR data. However, it is notoriously old and well known in the art to determine fee data in association with the user. It would have been obvious to one of ordinary skill in the art to modify the method of Udelhoven by comparing the PNR data with the user profile data in determining the fee in order to provide for different fees for different customers (for instance smaller fees for large volume corporate customers).

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister

Steven B. McAllister
Primary Examiner
Art Unit 3627

**STEVE B. MCALLISTER
PRIMARY EXAMINER**